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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,610	03/06/2001	Jean-Bernard Mabon	PD980061	1467
7590 06/30/2005				
Joseph S Tripoli		EXAMINER		
Thomson Multimedia Licensing Inc		KOSTAK, VICTOR R		
CN 5312		ART UNIT		
Princeton, NJ 08543-0028		PAPER NUMBER		
		2614		

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,610

Applicant(s)

MABON, JEAN-BERNARD

Examiner

Victor R. Kostak

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-27, 29, 30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-27, 29, 30 and 32-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/09/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-24, 26, 29, 30, 32 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard (of record, cited in a previous Office action).

Bedard stores channels of interest in a television (decided by the viewer) by determining that a currently tuned channel has exceeded a set duration period (col. 4 lines 5-7); memorizing those channels which exceed the set period (e.g. col. 4 lines 27-37); identifying switching between different channels (the receiver knows which channels belong to the preferred list, thereby necessarily recognizing those excluded, and any time the channel is changed regardless), and changing over to a channel of interest upon activation of a dedicated command (i.e. surfing feature providing commands dedicated to the stored channels: col. 3 lines 40-45; col. 7 lines 39-64).

It would have been obvious to one of ordinary skill in the art to designate any amount of channels in the category of favorite status of which the system memorizes, ranging from the minimum (i.e. a single channel) to as many as the system can store. Such would thereby depend on individual preferences by viewers as to designate a single channel as the only one of interest or any plurality as so desired, using the duration monitoring procedure. Returning to that channel would accordingly be accomplished by the surfing feature (noted above), thereby meeting claim 21.

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As for claims 29, 23 and 31, the time interval can be set to any of plural units (col. 4 lines 7-12).

As for claims 22 and 30, the reception determination is applied only when the time interval is exceeded (col. 3 line 63 – col. 4 line 7, particularly lines 5-7).

Regarding claims 24 and 32, a remote controller is used for switching (not shown: e.g. col. 7 lines 36-38).

It would have been obvious to one of ordinary skill in the art to erase a channel of interest at any time so desired by the viewer, particularly when the channel loses its appeal, such as when the desired program reaches its end. The beneficial result is keeping the channel database from growing to a point when it does not retain its convenience for surfing, thereby meeting claims 26 and 34.

2. Claims 25, 27, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard in view of Reitmeier (also of record, cited in a previous Office action).

Like Bedard, Reitmeier also determines i.e. channels of interest (i.e. favorite channels: col. 7 lines 62-64), and stores respective frames of the channels in memory (col. 16 lines 17-19 and lines 31-38). It would have been obvious to one of ordinary skill in the art to store a frame of data representative of respective channels in the system of Bedard, for the benefit of informing and/or reminding the viewer of the program currently associated with the channel of interest, thereby meeting claims 25 and 33.

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As for claims 27 and 35, Reitmeier displays his channels of interest in a picture-in-picture format for the purpose of providing the viewer with simultaneous display which enables ready selection of any one particular channel (e.g. col. 16 lines 14-15; Figs. 6A and 6B).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.



Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK